

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK A. SCOTT,

Plaintiff,

vs.

CASTILLO, et al.,

Defendants.

1:20-cv-00598-ADA-GSA-PC

**ORDER REQUIRING PARTIES TO
NOTIFY COURT WHETHER A
SETTLEMENT CONFERENCE WOULD
BE BENEFICIAL**

THIRTY-DAY DEADLINE

II. BACKGROUND

Mark Anthony Scott (“Plaintiff”) is a former prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on April 27, 2020. (ECF No. 1.) This case now proceeds against defendant C/O David Castillo (“Defendant”) for use of excessive force in violation of the Eighth Amendment.

On March 1, 2022, the Court issued a Discovery and Scheduling Order establishing deadlines for the parties, including a discovery deadline of August 1, 2022, and a dispositive motion filing deadline of October 1, 2022. (ECF No. 26.) All of the deadlines have now expired, no dispositive motions have been filed, and no other motions are pending.

At this stage of the proceedings, the Court ordinarily proceeds to schedule the case for trial.

1 **II. SETTLEMENT PROCEEDINGS**

2 The Court is able to refer cases for mediation before a participating United States
3 Magistrate Judge. Settlement conferences are ordinarily held in person at the Court or at a prison
4 in the Eastern District of California. Plaintiff and Defendant shall notify the Court whether they
5 believe, in good faith, that settlement in this case is a possibility and whether they are interested
6 in having a settlement conference scheduled by the Court.¹

7 Defendant's counsel shall notify the Court whether there are security concerns that would
8 prohibit scheduling a settlement conference. If security concerns exist, counsel shall notify the
9 Court whether those concerns can be adequately addressed if Plaintiff is transferred for settlement
10 only and then returned to prison for housing.

11 **III. CONCLUSION**

12 Based on the foregoing, IT IS HEREBY ORDERED that within **thirty (30) days** from
13 the date of service of this order, Plaintiff and Defendant shall each file a written response to this
14 order, notifying the Court whether they believe, in good faith, that settlement in this case is a
15 possibility and whether they are interested in having a settlement conference scheduled by the
16 Court.²

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18 IT IS SO ORDERED.

19 Dated: **October 14, 2022**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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26 ¹ The parties may wish to discuss the issue by telephone in determining whether they believe settlement
is feasible.

27 ² The issuance of this order does not guarantee referral for settlement, but the Court will make every
28 reasonable attempt to secure the referral should both parties desire a settlement conference.